



MINUTES OF **MEETING** OF **THE** CITY COUNCIL  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 **B** Street, Hayward, CA 94541  
Tuesday, July **18, 2000, 8:00** p.m.

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## MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at **8:00** p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

## ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriquez, Ward, Dowling, **Henson**  
MAYOR Cooper  
Absent: None

## PUBLIC COMMENTS

Fred **McNamara**, 29308 Mission Boulevard, owner of the Amies' Time Out, strongly objected to comments about his business, noting his time, effort, and finances towards improving his business.

Francisco Abrantes, 22815 Alice Street, commented on a tree obstructing an intersection in Hayward.

Jason **Moreno**, 25200 Carlos Bee Boulevard, spoke on his campaign experiences.

Jeffrey Reed, 2854 Parkside, Union City, expressed concerns for small businesses on Mission Boulevard that will be impacted by the proposed redevelopment.

Council Member **Henson** verified that his position is to oppose any business in that area that involves the increase of crime to that neighborhood.

Jim Drake, 25795 Franklin Avenue, reiterated comments he made at a previous Council meeting. Mayor Cooper reported that this item has been **referred** to staff and his concerns will be addressed.

## CONSENT

Item 6 was removed for further discussion.

1. Approval of Minutes of the Meeting of the City Council of July 11, 2000

It was moved by Council Member Ward seconded by Council Member **Henson**, and unanimously carried to approve the Minutes of the Meeting of the City Council of July 11, 2000.

2. Adoption of an Ordinance Related to Zone Change Application No. 99-190-02 – Properties Located on University Court

DRAFT

Staff report submitted by City Clerk Reyes, dated July 18, 2000, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Ordinance No. 00-03, "An Ordinance Reclassifying Certain Properties Located Along University Court Generally Between Campus Drive and Highland Boulevard Pursuant to Zone Change Application **99-190-04**"

3. Adoption of an Ordinance Amending the Well Standards Ordinance

Staff report submitted by City Clerk Reyes, dated July 18, 2000, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Ordinance No. 00-04, "An Ordinance of the City Council of the City of Hayward Amending Chapter 5 Article 4 of the Hayward Municipal Code Relating to Well Standards"

4. Improvements to Hesperian Boulevard and Industrial Boulevard Intersection, Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated July 18, 2000, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Resolution 00-103, "Resolution Approving Plans and Specifications for Improvements to Hesperian Boulevard and Industrial Boulevard Intersection, Project No. 5708, and Call for Bids "

5. Authorization for the City Manager to Execute an Agreement Assigning Hayward Airport Associates No. 4's Ground Lease to Velo Two, LLC

Staff report submitted by Airport Manager Shiner, dated July 18, 2000, was filed.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:



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Resolution 00-104, "Resolution Authorizing the City Manager to Execute an Agreement Assigning Hayward Airport Associates No, 4's Ground Lease to Velo Two, LLC"

**6. Request from Council Member Hilson for Disbursement from Special Travel Fund for City-Related Travel**

Report submitted by Council Member Hilson, dated July 18, 2000, was filed.

Jason Moreno, 25200 Carlos Bee Boulevard, asked the total cost and the range of time that these monies covered.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the allocation of Special Travel Funds for City Related Travel to Council Member Hilson.

**HEARINGS**

7. Appeal of Planning Commission's Action Denying Zone Change **99-190-01** -- Society of Saint Vincent de Paul (Applicant/Owner) - Request to Change Zoning to Construct Ten Residential Cottages and Extend Grace Court (Private Street) to Melvin Court - Property is Located on Grace Court Between Grace Street and Smalley Avenue and at 22331 Mission Boulevard (*continued from 3/21/00*)

Staff report submitted by Senior Planner McClellan, for July 18, 2000, was filed.

Senior Planner McClellan reported that this project is different than what was presented to Council on March 21, 2000. The previous plan has been revised to provide for fewer cottages, to include a play area and a regulated program, which will coordinate the rentals. He noted that this new site plan addresses the concerns previously expressed by Council. He depicted the property lines, cottage size and reported that staff recommends the proposal as it achieves the requirements. He described the variations of the conditions of approval including that management will be the responsibility of St. Vincent de Paul. He responded to questions regarding the North Hayward Neighborhood Task Force, the management involvement and the various other concerns.

Mayor Cooper opened the public hearing at 8:44 p.m.

Rose Davila, 986 Warren, #301, supported the proposal and asked that Council consider the needs of the homeless.

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Francisco **Abrantes**, 27815 Alice Street, commented on a police report related to that project.

Celeste Perry, 26876 Pelham Place, spoke against the project and reiterated written comments as well as referred to photos that she previously submitted. She asked for conditions regarding traffic and street parking; she expressed concern regarding the length of time occupants would be allowed in the housing.

The following spoke in favor of the project:

Gerry Desmond, 38261 Garrett Street, Fremont

Ilidio Pereira, 625 Alameda Drive, Livermore

Bonnie Porter, 690 Grace Street

Jason **Moreno**, 25200 Carlos Bee Boulevard

Luis Trucios, 787 **Overhill**

Bill Lyons, architect for the project, 4122 Lakeshore Avenue, Oakland, indicated that he tried to work with what was already in the area. He said the “Cottage Overlay” seemed to encourage this type of project.

Peter Smith, attorney for St. Vincent Society, emphasized that the **traffic** situation has been addressed, indicating the meandering of the court, requirements of the Emergency Service providers, denoting that two parking spaces for each cottage will be constructed, and that there is a condition of approval setting automobile limits. Six “visitor” parking spaces will be provided. The Society accepts the condition of approval to require professional management and anticipates that management to be Eden Housing. He stated that this project is not a transitional housing project. It will service clients who will stay for an extended period of time. In response to a question from Council Member **Rodriguez**, he noted that professional managers would maintain the landscaping as well as the properties.

Council Member **Hilson** expressed concern regarding the funding for proper maintenance of the projects. Mr. Smith assured him that they were an old, established and reasonably well off charitable organization. He said their goal is to provide professional management. Council Member Hilson then asked about the parking in the area. Mr. Smith said parking conditions would include limiting the number of cars per unit are limited to the number of adults per unit, or two, whichever is less. Nothing other than cars will be allowed in the parking garages. There are six additional spaces for the project. Mr. Smith said they would agree to a condition of approval of locking the gate of parking lot of the Thrift Store.

Council Member Jimenez questioned **the current** parking situation as reported by Celeste Perry. **He** expressed this concern and asked how this would be addressed. Mr. Smith reported that there are parking restrictions to allow no more than two automobiles per unit. He indicated that they had **numerous** conversations with Ms. Perry and they have addressed a number of her expressed concerns. He said the Society agrees to an additional condition to keep an eye on parking in the area.



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Jim Drake, 25795 Franklin Avenue, questioned whether the issues had been addressed. He said this does not meet the residential housing project criteria. He was concerned about parking as well. He asked about evicting a good tenant, There is money involved here. He suggested doing more for senior citizens. Low-income housing abounds in Hayward.

Mayor Cooper closed the public hearing at **9:22** p.m.

Council Member Dowling commented that this Council has been aggressive in replacement housing. He noted that St. Vincent de Paul has acknowledged its problems. One of the good things of this project, if approved, is that it will help with maintaining the thrift store. The Society has responded to Council **concerns** by agreeing to 59 conditions of approval, including deleting two units, adding a play area, as well as modifying **parking**, and limiting automobiles per unit. He said that right now there are probably no conditions on the property at all. His motion includes the following Conditions of Approval: requirement to include professional management for the units, that the number of automobiles be limited to two per unit, and that the applicant agrees to keep the thrift store parking lot gate closed. He added that the rules and regulations of the program proposed would also be included,

Council Member Ward moved to second the motion.

Staff responded that the project conforms to the townhouse type concept.

Council Member Jimenez indicated that he has supported the St. Vincent de Paul Society for years. He added that he recognized the aggressive articulation of Celeste Perry on behalf of her mother, but would be voting for the staff recommendation, as the project seems to satisfy Council requirements. He said providing housing for the unfortunate is important.

Council Member Rodriquez said her major concerns is that there is no management program in place and how this impacts to Burbank School. This is a necessary project. She said there were still too many questions to be answered. It was difficult to vote against this project.

Council Member **Henson** said he was concerned that this has not been tried in other cities. Hayward has done its fair share for the poor. He suggested that St. Vincent de Paul Society should also try this in other cities. He would reluctantly support the proposal. He said that if the issues raised about the impact on Pearce Street were not met, he would withdraw his support.

Mayor Cooper commented on the importance of differentiating religious intent of providing housing for the needy from land use. She said this is very ordinary, very small, little housing. The standard is not high enough for Hayward. She wondered why the Society was not working with the South Hayward Parish. She said she would not support this project. She strongly opposed this project. She expressed concerns for the neighboring residents. She said this would be a terrible mistake for the area.

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Council Member Hilson agreed with Mayor Cooper and demanded a higher standard by the Society. This is not the superior development it could be, Although there is a need for housing for needy people in Hayward, this does not meet the needs of the neighborhood.

Council Member Ward asked whether this development meets the existing subdivision standards. He asked whether the project is being **given** special consideration, and whether the project complies with general policies for the City.

Senior Planner McClellan responded that this is comparable to a townhouse-type complex. He added that the low-income units on "B" Street were no longer affordable.

City Manager **Armas** said the project generally conforms to the various policies adopted to date as well as the zoning district restrictions. He noted that the properties on "B" Street are less than 4,000 square feet and the City did provide some financial assistance to that project.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried by the following roll call vote, to approve and introduce the following and add four additional Conditions of Approval as noted:

Ordinance No. 00-\_\_\_, " An Ordinance Reclassifying Certain Territory Located on Grace Court Between Grace Street and Smalley Avenue and at 22331 Mission Boulevard to a Planned Development/Cottage Special Design Overlay District Pursuant to Zone Change Application 99-109-01"

Resolution 00-105, "Resolution Adopting a Negative Declaration and Conditionally Approving the Preliminary Development Plan Submitted with Zone Change Application No. 99-190-o 1"

AYES: Council Members Jimenez, Ward, Dowling, **Henson**

NOES: Council Members Hilson, Rodriquez

MAYOR Cooper

ABSENT: None

ABSTAINED: None

Mayor Cooper called for a five-minute recess at this point and resumed the meeting at 10: 15 p.m.

8. Vesting Tentative Map Tract 7191, Use Permit, Site Plan Review & Variance 99-130-16, and a Request to Vacate a Portion of Sutro Street – **Denova Homes, Inc.** (Applicant); **Zaballos** Family Trust, Anthony L. & Melba Farcich Trust, et al (Owners) – Approval of Actions Related to Development of 161 Townhomes - Project Located on the East Side of Grand Street, on the South Side of D Street West of the Railroad Grade Separation, and West Side of Sutro Street



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Staff report submitted by Senior Planner McClellan, dated July 18, 2000, was filed.

Senior Planner McClellan depicted the project and the site plan and responded to questions from Council. There was discussion on the use of plastic **wood**, the traffic study results, impacts of the wall, as well as the impacts to local schools. Council suggested that the Australian willow tree and the planting of ivy be eliminated from the requirements, as they seem to create other issues.

Public Works Director Butler described the traffic study for the project.

Council Member Ward asked for clarification of items 25 and 26 regarding the sanitary sewer proposal.

Public Works Director Butler explained that the City would share costs with **DeNova** Homes to build a super-sewer, which would meet the future needs of development in the whole of the downtown area.

Council Member Rodriquez was extremely concerned with the impacts to Burbank School and the fact that additional portables have already been installed because of current impacts.

Council Member **Hilson** agreed with the ongoing problem of local school impacts as expressed by Council Member Rodriquez and commented on Council approving housing expansions that negatively impact the **schools**. Additionally, he expressed concern that the **.3** ratio per unit as insufficient for this project. They always have more students than expected. He suggested that one or two more portables would not solve the problem. He also wondered whether the visitor parking impact has been assessed in a realistic manner.

Senior Planner McClellan suggested the number might not be adequate but that he knows of no studies that have been done.

City Manager **Armas** said the formula is as a result of a recent assessment by the District. No longer is it rooted in ancient data as it may have been. He also noted that the ratio of student to teacher has been lowered as well, which also exacerbates the situation. The Cannery plan should be used to address the issues.

Mayor Cooper opened the public hearing at **10:28** p.m.

Chris Musselman, 22910 Sutro Street, a neighbor to the project expressed **the** need for additional visitor parking for this project. He asked for consideration of restricting automobile traffic to emergency vehicles only. He asked that there be a pedestrian access from Sutro Street to the BART station and downtown.

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Francisco Abrantes, 22815 Alice Street, asked how many feet the City would be giving to the developer.

City Manager **Armas** discussed the amount of Sutro Street that the City is vacating for the project. He indicated that the developer would be paying for the land.

Jason **Moreno**, 25200 Carlos Bee Boulevard, asked questions related to sidewalk maintenance, hazardous waste, the cost of the traffic study, and cost sharing of the sewer improvements.

Ron **Barklow**, 1210 Tiegen Drive, commented on parking stalls and also added his concerns about impacts to the schools.

Brad Durga, **Denova** Homes, 1849 Clayton Road, Concord, spoke on the hazardous substance and explained the voluntary clean-up agreement made with the State for its clearance. He reported that the developer's mitigation fees for schools is over \$400,000 and an additional \$40,000 has been earmarked specifically for Burbank Elementary. He indicated that there is no requirement for guest parking. Lastly, he clarified that the City hires the traffic engineer and the developer pays for that study as in other jurisdictions.

Alexander Seidel, of Seidel, Holzman Architects, 425 Battery Street, San Francisco, said a number of different building sites were needed to solve the problems of the site. He described the entries into the site. He described a number of amenities to the project, particularly in the open space areas.

Council Member Hilson commented that a number of things were done well, however, the overall look of the project seems bland and felt that the **rooflines** seem to be a lesser design than previously approved plans. He suggested that each of the downtown projects seem to be better than the last, until now.

Mr. Seidel defended the design of the project and felt that this is a tailored project to the rest of the downtown and the neighborhood, involving a variety of materials that is well-designed with a gwd solution to what is presently in the neighborhood. He would be willing to work with staff to better articulate or increase the pitch of the rooflines. He noted that compared to Atherton Place, this has more variety of designs.

Council Member **Henson** shared similar concerns and inquired on the proposed color schemes.

Council Member Dowling commented that the Humboldt Square seems preferable. He suggested that perhaps there might be a lessening of **the** white on the project.

There was discussion on the street lighting in the project and the developer agreed to work with staff to provide attractive light fixtures.

Mayor Cooper closed the public hearing at 11: 15 p.m.





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Council Member Jimenez moved, seconded by Council Member Ward, to approve the revised Mitigated Negative Declaration, Vesting Tentative Map Tract 7191, the Use Permit and Site Plan Review application; the Variance Application and Waiver, and the Resolution Summarily Vacating a Portion of Sutro Street, with the revision to condition 13 (see Exhibit C-1).

Council Member Dowling said he appreciated the difference in this project from those others in the area.

Council Member **Henson** asked for it to be as vibrant as possible in the colors and agreed **with** the other mentioned concerns.

Council Member Hilson asked for a **friendly** amendment to work with staff to vary the rooflines in architecture to make upgrades. Both the maker and seconder agreed.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

Resolution 00-106, "Resolution Certifying that the Mitigated Negative Declaration for Vesting Tentative Map 7191 has Been Completed in Compliance with the California Environmental Quality Act (CEQA) and Approving the Vesting Tentative Map for Tract 7191, Use Permit and Site Plan Review Application and Variance and Waiver Application No. **99-130-16**"

Resolution 00-107, "Resolution Summarily Vacating a Portion of Sutro Street No Longer Required for Public Purposes"

9. Approval of Grading Permit for Landslide Repair at 3820 Oakes Drive

Staff report submitted by Deputy Director of Public Works Bauman, for July **18, 2000**, was filed.

A brief report was made and Public Works Director Butler responded to Council questions.

**There** were no requests to speak. Mayor **Cooper** opened and closed the public hearing at 11: 19 p.m.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried by all present, to approve and introduce the following:

Resolution 00- 108, "Resolution Certifying that the Negative Declaration for the Grading Permit Application No. GR-0306,

D R A F T

Activity No. 8110, has Been Completed in **Compliance** with the California Environmental Quality Act and Implementing State and City Guidelines and Authorizing the Issuance of a Grading Permit to Annette Lewis and **Clifton** Capers”

## **COUNCIL REPORTS**

There were no Council Reports.

## **ADJOURNMENT**

Mayor Cooper adjourned at **11:22** p.m.

APPROVED:

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Roberta Cooper, Mayor, City of **Hayward**

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward